

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

J&JB TIMBERLANDS, LLC,

Plaintiff,

vs.

WOOLSEY ENERGY II, LLC and
WOOLSEY OPERATING COMPANY, LLC,

Defendants.

Case No. 14-cv-1318-SMY-RJD

MEMORANDUM AND ORDER

Before the Court is Plaintiff's Motion Requesting Clarification of Memorandum and Order (Doc. 64) by which Plaintiff seeks clarification of this Court's Order granting in part and denying in part Defendants' motion to compel arbitration. Defendants oppose the motion (Doc. 65).

The Court ruled that the arbitration clause in question is enforceable only with respect to Plaintiff's claims for damages to improvements or crops and that Plaintiff's claims for the diminution of property value and the cost of repairs to unimproved property are not subject to arbitration and will proceed in this Court. Plaintiff requests that the Court clarify that the term "improvements" in the arbitration clause includes the road system which provides access to Plaintiff's land, including the main graveled road and a secondary ATV pathway as well as a utility right of way.

Defendants disagree with Plaintiff's interpretation and maintain that it is for the arbitrator to determine the meaning of the term "improvements"... not the Court. Defendants are correct. "[A]mong the powers of an arbitrator is the power to interpret the written word[.]" Trustmark

Ins. Co. v. John Hancock Life Ins. Co. (U.S.A.), 631 F.3d 869, 874 (7th Cir. 2011).

Accordingly, Plaintiff's motion (Doc. 64) is **DENIED**.

That being the case, the litigation of Plaintiff's claims for the diminution of property value and the cost of repairs to unimproved property is **STAYED** pending the arbitrators' determination as to whether those items referenced by Plaintiff are "improvements" and will be included within the scope of the claims to be arbitrated. The parties are **DIRECTED** to advise the Court when the arbitrator has made the determination.

IT IS SO ORDERED.

DATED: April 20, 2017

s/ Staci M. Yandle
STACI M. YANDLE
United States District Judge